

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA

BILLINGS DIVISION

| | | |
|------------------------------------|---|--------------------------------|
| CHRIS ROMERO, ROGER BODINE, |) | |
| and DAVE VALDEZ, |) | CV-06-104-BLG-RFC |
| |) | |
| Plaintiffs, |) | |
| |) | |
| vs. |) | |
| |) | ORDER ADOPTING FINDINGS |
| |) | AND RECOMMENDATIONS OF |
| YELLOWSTONE COUNTY SHERIFF |) | U.S. MAGISTRATE JUDGE |
| OFFICE, SHERIFF CHUCK |) | |
| MAXWELL, JAY BELL, |) | |
| RICO BRENNAN, and |) | |
| BILL O’CONNER, |) | |
| |) | |
| Defendants. |) | |
| |) | |

On March 30, 2007, United States Magistrate Judge Carolyn S. Ostby entered her Findings and Recommendation. Magistrate Judge Ostby recommends that Defendants' Motion to Dismiss Yellowstone County Sheriff's Office and Yellowstone County be granted and Plaintiffs be given leave to amend to join and properly serve Yellowstone County. Magistrate Judge Ostby also recommends that Defendant O'Conner's Motion to Dismiss be granted as to claims stated under the Governmental Code of Fair Practices and denied as to all other claims.

Upon service of a magistrate judge's findings and recommendation, a party has 10 days to file written objections. 28 U.S.C. § 636(b)(1). In this matter, no party filed objections to the March 30, 2007 Findings and Recommendation. Failure to object to a magistrate judge's findings and recommendation waives all objections to the findings of fact. *Turner v. Duncan*, 158 F.3d

449, 455 (9th Cir. 1999). However, failure to object does not relieve this Court of its burden to review de novo the magistrate judge's conclusions of law. *Barilla v. Ervin*, 886 F.2d 1514, 1518 (9th Cir. 1989).

After an extensive review of the record and applicable law, this Court finds Magistrate Judge Ostby's Findings and Recommendation are well grounded in law and fact and adopts them in their entirety.

Accordingly, **IT IS HEREBY ORDERED** as follows:

1. Defendants' Motion to Dismiss Yellowstone County Sheriff's Office and Yellowstone County is **GRANTED**. Plaintiffs shall be given leave to amend to join and properly serve Yellowstone County.
2. Defendant O'Conner's Motion to Dismiss is **GRANTED** to claims stated under the Governmental Code of Fair Practices and denied as to all other claims

The Clerk of Court shall notify the parties of the making of this Order.

DATED the 16th day of April, 2007.

/s/ Richard F. Cebull
RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE